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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,600	12/04/2003	Chih-Min Chang	CHAN3235/EM	6969
23364	7590	07/27/2004	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			SHAKERI, HADI	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,600

Applicant(s)

CHANG, CHIH-MIN

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-7 are objected to because of the following informalities: "hold" in the last line of claims 1 and 4 should be changed to, --hole--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 4, "a ring member mounted on the wrench body to restrain the ratchet wheel" as recited, renders the claim indefinite because it is unclear what embodiment is being claimed. It appears ratchet wrench 90 (Fig. 7) is being claimed, however, the ring in that embodiment unlike the first embodiment does not restrain the ratchet wheel, as further evident by claim 7. Rejection under 112 1st paragraph is not applied for insufficient disclosure to enable the claimed invention, since the deficiencies appear to be one of clarity rather than enablement.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

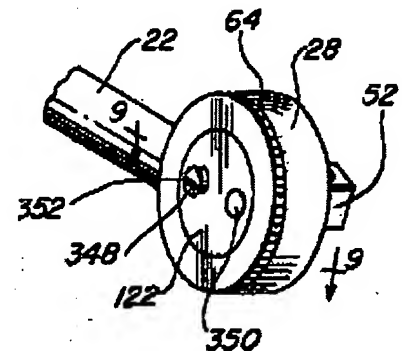
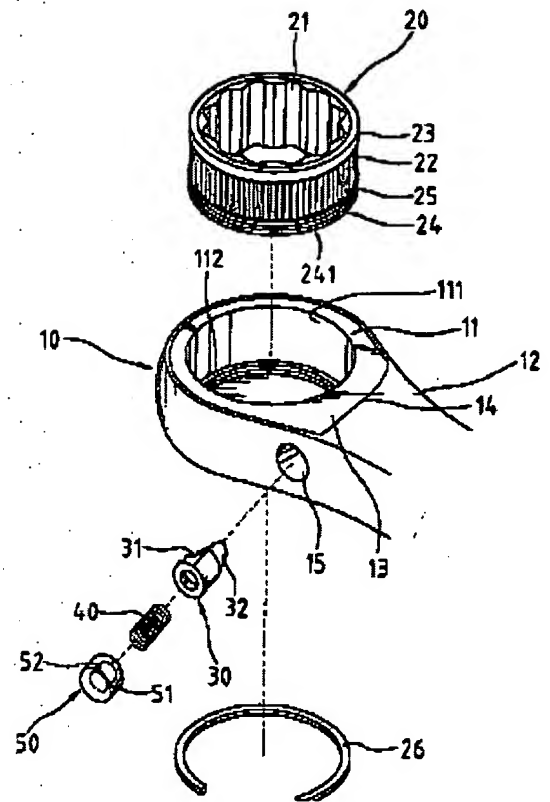
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu (6,263,767) in view of Chow (4,280,379).

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Hu meets all of the limitations of claims 1 and 4 (as best understood), i.e., a ratchet wrench having a body having a hole (111) and a chamber (15) communicating with the hole; a ratchet wheel (20) rotatably mounted in the hole of the wrench body and having an annular teeth portion at an outer surface thereof and a polygonal hole at a center thereof; a ring member (integral with the wheel) mounted in the hole of the wrench body having an identification layer (14) visible from outside the wrench indicating the direction of the ratchet, a pawl (31) received in the chamber of the wrench body for meshing the teeth portion of the ratchet wheel; and a spring (40) having two ends respectively stopped at the wrench body and the pawl, except that the identification or indicia is not color coded (claim 4) and that the ring is no separate from the wheel restraining the wheel within the hole. Regarding the ring being integral with the wheel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the ring separable from the for ease of manufacturing, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Chow teaches the use of color to indicate the ratcheting direction (348, 352). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Hu by color coding the upper surface of the ring (14) as taught by Chow as an simple and cost effective means to indicate the ratcheting direction.



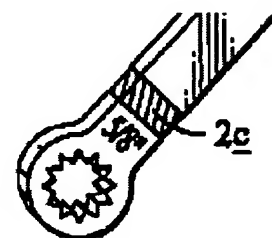
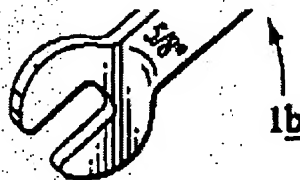
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Regarding claims 2 and 7, Hu as modified by Chow meets the limitations, ring (26).

Regarding claims 5 and 6, Hu as modified by Chow meets the limitations, except for the method of color coding, even though the method of forming does not patentably distinguish the tool unless resulting in structural differences. It would have been obvious to one having ordinary skill in the art at the time the invention was made to coat the layer either by a film, printing, painting or plating, as these methods are common and known in the art, depending on the intended use and/or operational parameters, e.g., cost.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hu in view of Chow as applied to claim 1 above, and further in view of Cirone (6,257,098).

Hu as modified by Chow meets all of the limitations of claim 3, except for a sign on the body indicating the size of the wrench. Cirone teaches indicating the size



of a wrench by placing a sign on the body. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of Hu in view of Chow by signs as taught by Cirone to indicate the size of the tool.

Conclusion

8. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Gajo, Hurtig, Sandrick and Johnson et al. are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 703-308-6279. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri
Primary Examiner
Art Unit 3723
July 25, 2004